

REMARKS

Claims 1-92 are pending in the present application. Claims 1-92 have been rejected. Claims 1, 33, 65 and 79 have been amended. Claims 4, 8, 9, 36, 40, 41, 68, 71 and 82 have been canceled. Support for the amendments can be found in previously presented claims 4, 36, 68 and 82, the subject matter of each having been substantially incorporated into their respective base independent claims.

1) 35 U.S.C. § 101 Rejections

Claims 1-32 are rejected under 35 U.S.C. § 101 as being allegedly directed to non-statutory subject matter. Claim 1 has been amended to clarify that the method is computer implemented and includes specific machines operating together to perform the method. As such, claims 1, and the claims that depend therefrom, are "tied to another statutory category." Applicant respectfully requests that the Examiner reconsider the rejection under 35 U.S.C. § 101 and withdraw the rejections of claims 1-3, 5-7 and 10-32.

2) 35 U.S.C. § 103(a) Rejections

Claims 1-7, 10-39, 42-70 and 72-92 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0173955 to Reich ("Reich") in view of U.S. Patent No. 5,625,748 to McDonough et al. ("McDonough"). The Examiner assert that Reich teaches the claims, substantially as recited, however fails to teach providing at least one input sequence to the automatic system, the input sequence associated with a transcript, observing an output sequence, and comparing the output sequence to the transcript. Regarding this deficiency, the Examiner asserted that McDonough teaches this aspect of Applicant's invention and that it would it have been obvious to combine the references to arrive at Applicant's invention. Applicant respectfully traverses.

Claim 1 as amended includes features that are neither taught nor suggested by Reich. In particular, Reich fails to teach or suggest " using the statistics to process automatically an original output sequence of the automatic system and produce an alternate output sequence and a confidence assessment regarding parts of at least one of the original output sequence and the alternate output sequence, the process including at least one of automatically supplementing and replacing at least part of the original output sequence with the alternate

output sequence in accordance with the confidence assessment," as recited in claim 1. Independent claims 33, 65, and 79 recite similar features.

Reich teaches a method for performing speech recognition (Reich, Abstract). User speech is received and analyzed to produce one or more candidate words (Reich, Abstract). Each candidate word is given a confidence score (Reich, Abstract). If the candidate word with the highest confidence score is greater than a threshold confidence score, then the candidate word with the highest confidence score is determined to match the user speech. If the candidate word with the highest confidence score is less than the threshold confidence score then the candidate words are presented to the user for selection (Reich, Abstract and paragraph [0036]). Thus, the system of Reich requires user input, i.e. *is not "automatic,"* to make a selection of the appropriate candidate words.

McDonough fails to cure the deficiencies of Reich with respect to claims 1, 33, 65, and 79. In particular, McDonough does not teach "using the statistics to process automatically an original output sequence of the automatic system and produce an alternate output sequence and a confidence assessment regarding parts of at least one of the original output sequence and the alternate output sequence, the process including at least one of automatically supplementing and replacing at least part of the original output sequence with the alternate output sequence in accordance with the confidence assessment" as recited in independent claim 1 and in substantially similar fashion in claims 33 65 and 79.

Rather, McDonough is directed to a system that performs "topic modeling" to distinguish among topics (col. 8, lines 33-35). Word occurrence statistics can be derived from text transcriptions, where each transcription corresponds to a speech message in a training set used to create the topic model (col. 8, lines 43-47). The hypothesis testing of McDonough "is used to determine whether or not there is sufficient evidence to establish that the occurrence pattern for a given keyword or event is dependent on the topic membership of the speech messages in which the event is observed. If such a dependence is established, the event is assumed to be a good indicator of topic membership" (col. 10, lines 14-23). There is no teaching or suggestion this may be used to automatically replace an original output sequence with an alternate output sequence. McDonough's only "automatic" feature is "detection of speech data of interest or can be used as part of an automatic indexing mechanism" (col. 12, lines 32-35). This too fails to teach or suggest is not Applicant's invention, as recited in the claims. Applicant therefore respectfully request that the Examiner to reconsider and withdraw the rejections of claims 1, 33, 65 and 79 under 35 U.S.C. § 103(a).

Regarding claims 2-7, 10-32, 34-39, 42-64, 66-70, 72-78, and 80-92, Applicant notes that these claims depend from claims 1, 33, 65 and 79, which are believed to be allowable. In addition, these claims recite additional features in combination with their respective dependent claims, thus reciting additional bases for the allowability thereof. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 2-7, 10-32, 34-39, 42-64, 66-70, 72-78, and 80-92 under 35 U.S.C. § 103(a).

CONCLUSION

It is submitted that the references cited by the Examiner do not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1-7, 10-39, 42-70, and 72-92 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,

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